

EXHIBIT P

1846 Law relative to “Carrying guns,
where prohibited”

[as printed in Revised Statutes of 1877]

REVISION 823

OF THE

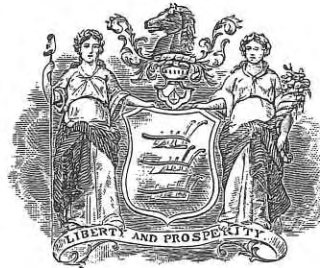
STATUTES OF NEW JERSEY.

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THE LEGISLATURE.

BY VIRTUE OF AN ACT APPROVED APRIL 4, 1871.



TRENTON, N. J.:
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48. Repealer.
49. Fish may be taken with set lines in Delaware, north of Reigelsville.
50. Penalty for killing wood or summer duck during a certain time.
51. When grouse or pheasants not to be killed.
52. Penalty for taking with trap, snare or net, any kind of deer, game or birds.
53. Hunting and fishing, when prohibited.
54. Repealer of part of former act.
55. Fishing with net, seine, etc., prohibited in waters stocked by commissioners.
56. Fishing with hook and line prohibited for three years in lakes, etc., stocked by commissioners.
57. Act to apply to waters stocked by individuals.
58. When brook trout not to be caught.
59. When black bass and perch not to be caught.
60. Unlawful to take fish from waters stocked by individuals.
61. No deleterious substances to be placed in streams for catching of fish.
62. How penalties applied.
63. Fish may be caught with hook and line, etc., in certain waters.
64. Fishing with nets, etc., above tide water prohibited.
65. Appointment of fish wardens. Powers. Duties. Term of office, etc.
66. Penalty for neglect of duty.
67. Wardens to be appointed by the governor.
68. Repealer.
69. When unlawful to take terrapin.
70. Penalty.
71. Action by summons or warrant.

An act for the preservation of deer and other game, and to prevent trespassing with guns.

Rev. 25, 673.

R. S. 12.

Approved April 16, 1846.

Carrying guns,
where prohibited.

1. If any person or persons shall carry any gun on any land not his own, and for which the owner pays taxes, or is in his lawful possession, unless he hath license or permission in writing from the owner or owners or legal possessor, every such person so offending, and convicted thereof, either upon the view of any justice of the peace within this state, or by the oath or affirmation of one or more witnesses, before any justice of the peace of either of the counties, cities, or towns corporate of this state, in which the offender or offenders may be taken or reside, he or they shall, for every such offence, forfeit and pay to the owner of the soil or his tenant in possession the sum of five dollars, with costs of suit; which forfeiture shall and may be sued for and recovered by the owner of the soil or tenant in possession before any justice of the peace in this state, for the use of such owner or tenant in possession. (a) (See Sec. 18).

Hunting deer,
where prohibited.

2. If any person shall hunt or watch for deer with a gun, or set in any dog or dogs to drive deer or any other game, on any lands not his own, and for which the owner or possessor pays taxes, or is in his lawful possession, unless he hath license or permission in writing from such owner or owners, or legal possessor, every such person so offending, and being convicted thereof in manner aforesaid, shall for every such offence forfeit and pay to the owner of the soil or tenant in possession the sum of five dollars, with costs of suit; *provided*, that nothing herein contained shall be construed to prevent any person carrying a gun upon the highway in this state.

Forfeiture.

Forfeiture if;
non-resident.

3. If the person or persons offending against this act be non-residents of this state, he or they shall forfeit and pay for every such offence fifteen dollars, and shall forfeit his or their gun or guns to any person or persons who shall inform and prosecute the same to effect, before any justice of the peace in any county of this state, wherein the offender or offenders may be taken or apprehended.

Who deemed
guilty.

4. And, for the better and more effectual conviction of offenders against this act, *be it enacted*, That any and every person or persons in whose custody shall be found, or who shall expose to sale, any green deer skins or fresh venison killed at any time after the first day of January, and before the first day of September aforesaid, and shall be thereof convicted by the oath or affirmation of one or more credible witnesses, shall be deemed guilty of offending against this act, and be subjected to the penalties of killing deer out of season.

What traps pro-
hibited.

5. If any person or persons within this state shall set any trap, or other device whatsoever, larger than what is usually and commonly set for foxes and muskrats, such person setting such trap or other device shall pay the sum of fifteen dollars, and forfeit the trap or other device, and shall also be liable to make good all damages any person shall sustain by setting such trap or other device; and the owner of such trap or other

(a) The action must now be in *trespass* instead of debt, *Buck v. Danzenbacher*, 8 Vr. 359. In an action for this penalty the state of demand and all the proceedings must

show that the plaintiff is clearly within the act, *Chew v. Thompson*, 4 Hal. 249.

device, or person to whom it was lent, shall be esteemed the setter thereof, unless it shall be proved on oath or affirmation what other person set the same, or that such trap or other device was lost by said owner or person to whom it was lent, and absolutely out of his power; and that the said trap or other device shall be broken and destroyed in the view and presence of the justice of the peace before whom they are brought.

6. If any person or persons within this state shall set any loaded gun in such manner as that the same shall be intended to go off or discharge itself, or be discharged by any string, rope, or other contrivance, such person or persons shall forfeit and pay the sum of twenty dollars, to be recovered by action of debt by any person who shall sue for the same, and on non-payment thereof, shall be committed to the common jail of the county for six months. Setting loaded guns prohibited.

7. Nothing in this law shall be construed to extend to restrain the owners of parks or of tame deer from killing, hunting, or driving their own deer. Owners excepted.

8. If any person or persons within this state shall watch with a gun on any unenclosed land within two hundred yards of any road or path, in the night time, whether the said road is laid out by law or not, or shall stand or station him or themselves upon or within two hundred yards of any road as aforesaid, for shooting at deer driven by dogs, he or they so offending shall on conviction forfeit and pay the sum of fifteen dollars for every such offence, to be recovered by action of debt as aforesaid, and pay all damages. Watching with guns at night, where prohibited.

[Sec. 9 and 10 repealed by act of March 27, 1874].

9. SEC. 11. If any person or persons not resident in this state shall offend against any of the provisions of the first section of this act, it shall and may be lawful for the owner or owners of the said lands, or the possessor or possessors thereof, to apprehend any and every such person or persons so offending, and take him or them before a magistrate as soon as conveniently may be, in order that he or they may be dealt with according to law; and every such person who may perform this service shall be entitled to the same assistance and protection, and subject to the same restrictions and liabilities, as a constable would be on the same occasion. (a) Remedy against non-residents.

Supplement.

Approved February 14, 1852.

P. L. 1852, p. 38.

10. SEC. 1. That it shall not be lawful for any person, hunting or gunning after geese, ducks, brant, and for that purpose using stools or decoy geese, ducks or brant, to place the boat, sneak-box or other floating vessel in which he lies in wait to kill the said geese, ducks and brant, at a distance more than three rods from ice, or from marsh, or meadow bank, or heaped sea weed, or sand bar not covered with water at ordinary high tide. Hunting or gunning after geese, ducks, etc., with stools or decoys.

11. SEC. 2. That it shall not be lawful for any person, with intent to capture or kill geese, ducks or brant, in and about the waters aforesaid, to hunt after or pursue them with a light at night. Not lawful to hunt geese, ducks, etc., with light at night.

12. SEC. 3. That every person offending against the provisions of this act shall, for each offence, forfeit and pay the sum of fifteen dollars, to be sued for and recovered with costs, in an action of debt before any justice of the peace in this state, by any person who shall sue for the same. Penalty.

Supplement.

Approved March 23, 1859.

P. L. 1859, p. 636.

13. SEC. 1. That from and after the passage of this act, it shall not be lawful for any person or persons to kill, capture or hunt in or about the waters of Barnegat bay, or Manasquan river, any geese, brant, or ducks at night, that is to say, after sunset or before daylight, nor shall it be lawful at any time to kill, capture or hunt any geese, brant, or ducks in or about the waters aforesaid, except only between the fifteenth day of October and the fifteenth day of April, yearly and every year hereafter. Killing and hunting geese, etc., in Barnegat bay or Manasquan river.

(a) A justice of the peace, who is the owner of the land trespassed on, cannot convict such trespasser on his own view, *Schroder v. Ehlers*, 2 Fr. 44.

P. L. 1866, p. 681.

Supplement.

Approved March 26, 1866.

Hunting on Sunday prohibited.

14. SEC. 5. That hereafter any person who shall hunt with a gun, or with a dog and gun, or with any kind of fire-arm or weapon, or shall in any way kill, take or destroy with any trap, snare, or other device whatsoever, any bird or animal whatever, on the Sabbath day, commonly called Sunday, except those who observe the seventh day of the week as the Sabbath gunning upon their own lands, shall be liable to a penalty of twenty-five dollars for each and every offence, one-half of said penalty to be paid to the complainant, and the remainder to be paid to the overseer of the poor of the township where the offence was committed, for the use of the poor of said township. (The other sections of this supplement repealed by act of March 27, 1874. See Sec. 25, 26, &c).

P. L. 1867, p. 430.

Supplement.

Approved March 27, 1867.

Fishing with hook and line on Sunday prohibited.

15. SEC. 1. That the provisions of the fifth section of the supplement to the act approved March twenty-sixth, anno domini, eighteen hundred and sixty-six, to which this is a further supplement, be and they are hereby extended so as to include all persons who shall fish, with hook and line, for any kind of fish whatsoever, on the Sabbath day, except those mentioned in the said section of said supplement, and that all persons so fishing on the Sabbath day shall be subject to the same fines and penalties, and shall be recovered in the same manner as in said supplement stated.

P. L. 1870, p. 835.

Supplement.

Approved March 17, 1870.

Killing of water fowl prohibited during certain seasons in Brick township, Ocean county.
[P. L. 1872, p. 518.]

16. SEC. 1. That it shall not be lawful for any person or persons to kill, destroy or take, on the waters or about the shores of such portions of Metedeconk river, Manasquan river, the Beaver Dam creek, Kettle creek, and their several branches and environs, as lie within the present limits of the township of Brick, in the county of Ocean, any wood duck, black duck, teal or other wild water fowl, except only between the first day of [September] and the first day of April yearly and every year.

Penalty for violation of act.

17. SEC. 2. That if any person or persons shall offend against the provisions of the first section of this act, he, she or they so offending, shall forfeit and pay for every wood duck, black duck, teal or other water fowl, ten dollars for each and every offence, to be sued for and recovered in an action of debt, with costs of suit, by any person who shall sue for the same, before any justice of the peace of the said county, one-half of the said penalty to be paid to the complainant, and the remainder to the overseer of the poor, for the use of the poor of said township; and any person in whose hands or custody any wood duck, black duck, teal or other water fowl shall be found which shall have been killed, contrary to the provisions of this act, shall be deemed, taken and adjudged to be the killer and destroyer of such game, and liable to the penalties aforesaid.

Supplement.

Approved March 21, 1873.

P. L. 1873, p. 58.

WHEREAS, many irresponsible persons are trespassing with guns on lands not their own, doing much damage to stone fences, and so forth, in search of game, for which the owners have no redress on account of the action now being debt; therefore,

Actions brought under Sec. 1 to be trespass.

18. SEC. 1. Be it enacted by the Senate and General Assembly of the State of New Jersey, That hereafter all actions brought under the first section of the act for the preservation of deer and other game, and to prevent trespassing with guns, approved April sixteenth, one thousand eight hundred and forty-six, shall be actions of trespass.

Supplement.

Approved April 4, 1873.

P. L. 1873, p. 151.

Penalty for hunting rabbits with ferrets.

19. SEC. 1. That hereafter it shall not be lawful for any person or persons to hunt for rabbits with ferrets, or to capture or kill any rabbit or rabbits by means of any ferret or ferrets, and whoever shall offend

against the provisions of this act, shall forfeit and pay for each and every such offence, the sum of fifteen dollars, to be sued for before any justice of the peace, and recovered in an action of debt with costs of suit by any person who shall sue for the same, and on non-payment thereof, such offender shall be committed to the workhouse or common jail of the county for any period not exceeding sixty days, and until said fine and costs are paid.

An act to amend and consolidate the several acts relating to game and game fish.(1)

Approved March 27, 1874. P. L. 1874, p. 137.

20. Sec. 1. That no person shall kill or pursue in any part of this state any buck, doe, fawn or wild deer, save only from the fifteenth day of October to the first day of December in any year, and any person offending against any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be liable to a penalty of fifty dollars for each buck, doe or fawn so killed or pursued, and may be proceeded against in any county of the state wherein he may be arrested having the same in his or her possession; *provided*, however, that any person may sell or have in his or her possession the buck, doe or fawn aforesaid, between the fifteenth day of October in any year and the first day of December next following, without liability to the penalty herein imposed. When deer shall not be killed.

21. Sec. 2. That no person shall kill or expose for sale or have unlawfully in his or her possession after the same has been killed, any gray, black or fox squirrel between the first day of January and the first day of July in each year, under a penalty of five dollars for each and every squirrel so killed or had in possession. Penalty.

22. Sec. 3. That no person shall kill or expose for sale or have unlawfully in his or her possession after the same has been killed, any hare, commonly called rabbit, between the first day of January and the first day of November in any year, under a penalty of five dollars for each and every hare or rabbit so killed or had in his possession. Proviso.

23. Sec. 4. That no person shall at any time kill any wild duck, brant or goose with any device or instrument known as a swivel or punt gun, or with any gun other than such guns as are habitually raised at arm's length and fired from the shoulder; or shall use any net, device, instrument, or gun other than such gun as aforesaid with intent to capture or kill any such wild duck or goose, under a penalty of fifty dollars. When squirrels shall not be killed.

24. Sec. 5. That no person shall kill or expose for sale, or have unlawfully in his or her possession after the same has been killed, any upland or grass plover between the first day of January and the first day of August in any year under a penalty of ten dollars for each bird so killed or had in his possession; no person shall kill, expose for sale, or have unlawfully in his or her possession any "Wilson" or gray snipe between the first day of May and the first day of October in any year, under a like penalty. When rabbits shall not be killed.

25. Sec. 6. That no person shall kill or expose for sale or have unlawfully in his or her possession after the same has been killed, any woodcock between the first day of January and the fourth day of July in any year, under a penalty of ten dollars for each bird so killed or had in possession. How wild duck, brant or geese shall be killed.

26. Sec. 7. That no person shall kill or expose for sale or have unlawfully in his or her possession after the same has been killed, any quail or Virginia partridge between the first day of January and the first day of November in any year, under a penalty of fifteen dollars for each bird so killed or had in possession. Penalty.

[Sec. 8 repealed. See Sec. 51].

27. Sec. 9. That no person shall kill or expose for sale or have unlawfully in his or her possession after the same has been killed, any pinnated grouse or wild turkey, commonly called prairie chicken, prior to the first day of November, anno domini one thousand eight hundred and When plover and gray snipe shall not be killed.

(1) By a supplement approved February 10, 1875, (P. L. 1875, p. 171), it is unlawful for any person with net, seine, trap, fyke or gilling net, set net, pot or gun, to take or catch fish in the north branch of the Rancocas creek, in the county of Burlington, commencing at the mill dam at Mount Holly and extending up said branch to its beginning. And by a supplement approved April 8, 1875, (P. L. 1875, p. 79), a like prohibition to fishing in the south branch of Rancocas creek commencing at Lambertton and extending up said branch to its beginning.